



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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April 22, 2021

BY ECF

Hon. Debra C. Freeman
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

The Commissioner's time to file the certified administrative record and move for judgment on the pleadings is extended to 6/18/2021. The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge
Dated: 4/23/2021

Re: *Estevez v. Comm'r of Soc. Sec.*, No. 20 Civ. 8034 (JPO)

Dear Judge Freeman:

This Office represents the Commissioner of Social Security (the "Commissioner"), the defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff appeals the Commissioner's decision to deny her application for Social Security disability benefits.

I respectfully write to request a 60-day extension of time for the Commissioner to file the certified administrative record or otherwise respond to the complaint, *nunc pro tunc*, from April 19, 2021, to June 18, 2021. The extension is needed because the COVID-19 pandemic has significantly impacted the operations of the Social Security Administration ("SSA") and its Office of Appellate Operations ("OAO") and materially affected its ability to prepare certified administrative records. As described in the Declaration of Jebby Rasputnis, dated March 17, 2021, beginning in mid-March 2020, the SSA restricted physical access to its physical buildings. (Rasputnis Decl. ¶ 2.) Since that time, OAO has been working to overhaul, redo, refine, and streamline its business processes to continue operations. (Rasputnis Decl. ¶ 2.) It has now reached and surpassed pre-pandemic levels of production of electronic certified administrative records. (Rasputnis Decl. ¶ 2.) However, while the OAO transitioned to a virtual process, the number of new cases filed in federal court also increased, creating a significant backlog that the OAO is still working to address. (Rasputnis Decl. ¶¶ 3-5.)

This is the first request for an extension of time in this case. The plaintiff does not consent to this extension, but I respectfully request that the Court nevertheless grant the extension given the impact of the COVID-19 pandemic on the agency's ability to prepare administrative records and the need for a record to evaluate the merits of this case.

I thank the Court for its consideration of this request.

Respectfully,

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United States Attorney

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